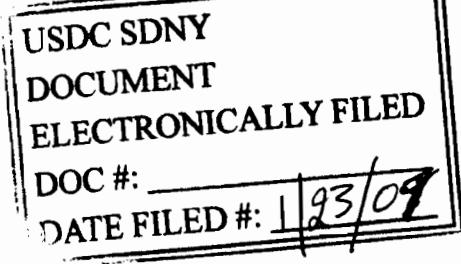


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JULIE JACOBY,

Plaintiff,



-against-

07 Civ. 4627 (LAK)

HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY,

Defendant.

-----x

ORDER

LEWIS A. KAPLAN, *District Judge.*

Plaintiff moves for an order compelling production of documents responsive to two requests and answers to interrogatories as well as enlarging the discovery period in light of defendant's failure to make any meaningful discovery thus far in the action.

Defendant responded to plaintiff's two document requests and interrogatories with boilerplate objections that include unsubstantiated claims of undue burden, overbreadth and lack of relevancy. It fact produced no documents and answered no interrogatories. Its responses are a paradigm of discovery abuse.

Now, in response to plaintiff's motion to compel, defendant points to the fact that there was a meeting between counsel on December 19, 2008 at which, it claims, it then agreed to produce much of the requested information. It further asserts that plaintiff's counsel "appeared to agree" to certain limitations on its requests. It is undisputed, however, that defendant still has produced to discovery at all. Plaintiff's counsel, moreover, denies that there was any agreement that limited plaintiff's right to seek the rest of the discovery she sought.

A number of the issues tendered by the motion papers are susceptible of swift resolution by the Court as follows:

1. All of defendant's claims of undue burden are unsubstantiated and overruled. Defendant may not fail to produce any requested document on that ground.

2. Defendant's contention that it should not be ordered to produce certain requested materials because defendant does not possess them is insufficient and, in any case, beside the point. Defendant is obliged to produce requested materials that are within its possession, custody or control, not merely those within its possession. *See, e.g., United States v. Stein*, 488 F. Supp.2d 350, 360-64 (S.D.N.Y. 2007); *In re NTL Secur. Litig.*, Nos. 02 Civ. 3013(LAK)(AJP), 7377(LAK)(AJP), 2007 WL 241344, at *16-*17 (S.D.N.Y. Jan. 30, 2007) (Peck, M.J.); *In re Auction Houses Antitrust Litig.*, 196 F.R.D. 444 (S.D.N.Y.2000). More broadly, an assertion that requested materials are not in the possession, custody or control of a party is not a valid objection to a discovery request for the simple reason that the Federal Rules do not require production of such materials. Rather, such an assertion is pertinent in defense of a charge by the requesting party that the requested party improperly failed to produce requested materials. Accordingly, this objection too is overruled. The question whether defendant does not possess, have custody of or control any requested materials can be dealt with if, as and when plaintiff contends that it has improperly failed to produce.

3. Defendant's contention that “[a]n appropriate protective order is necessary before [its BMS Claims Manual and SIU Reference Manual] are produced” is without merit in light of its failure even to offer an explanation as to why that is so. Moreover, plaintiff has pointed out that these documents already were produced in another action without benefit of any protective order and, for this and other reasons, are not confidential. Defendant shall produce them.

4. Plaintiff seeks an order compelling Hartford to obtain and produce certain materials from UDC and MAG, entities that Hartford asserts are “independent third parties, over whom Hartford has no control.” It is far from clear that Hartford’s contention that it has no control over these entities is consistent with the facts. In denying summary judgment, I referred to evidence in another litigation that UDC in a recent year derived about 75 percent of its revenues from Hartford, and there plainly is a significant relationship between each of these entities and the defendant. That of course does not alone prove that Hartford controls either. But it does suggest the real possibility that a serious effort by Hartford to use such influence as it may have would result in production of all or some of the requested material without the need for satellite litigation in Massachusetts, where one or both of these entities apparently are located. In these circumstances, Hartford is directed to cause the production of the requested materials that are in the hands of UDC and MAG. Should it fail to do so, and should plaintiff press the point, a hearing concerning the relationships between Hartford and each of these entities and the nature of Hartford’s efforts to secure their cooperation could prove necessary. *See generally In re Auction Houses Antitrust Litig.*, 196 F.R.D. 444 (compelling corporation to answer interrogatories by, among other things, furnishing information in the hands of a former officer, but leaving the question whether sanctions should be imposed for any failure to do so for later determination if necessary). Of course, plaintiff may wish to consider whether seeking enforcement of its outstanding subpoenas to UDC and MAG might achieve her desired result more quickly and certainly than pursuing this issue with Hartford.

Apart from these fundamental issues, the parties’ papers leave unclear the extent of the remaining disagreements between the parties. Accordingly, counsel are directed to meet and

confer within one week and to submit to the Court an itemized list of unresolved discovery issues with a brief statement of their respective positions on each. The Court will hear the parties on any such issues on February 6, 2009 at 9:00 a.m.

In view of the fact that the requested extension of discovery has been sought by plaintiff only because defendant, UDC and MAG have not complied with its discovery requests, the deadline for completion of discovery by the plaintiff is extended until March 31, 2009. No one has suggested that defendant needs any extension, let alone a justification for it. So I decline to extend defendant's time for the conduct of discovery.

Plaintiff's motion to compel and for other relief [docket item 42] is granted to the extent that:

- (a) Defendant's objections based on alleged undue burden all are overruled. Defendant may not decline to answer any interrogatory or produce any requested document on that ground.
- (b) Defendant's objections based on claims that requested documents or information are not within its possession, custody or control all are overruled. Defendant may not decline to answer any interrogatory or produce any requested document on that ground. This is without prejudice to any contention by the defendant that sanctions should not be imposed because a failure to answer or produce was justified because the requested information or documents were not within its possession, custody or control.
- (c) Defendant shall produce the BMS Claims Manual and SIU Reference Manual and all documents that it agreed on December 19, 2008 to produce no later than January 30, 2009.
- (d) Defendant, no later than January 30, 2009, shall respond fully to all interrogatories to which it agreed on December 19, 2008 that it would respond.
- (e) Defendant's objection to being ordered to produce documents in the possession of UDC and MAC is overruled on the basis set forth above. Those documents shall be produced no later than January 30, 2009. This is without prejudice to any contention by the defendant that sanctions for the failure to do so should not be imposed because the requested documents were not within its possession, custody or control.

It is denied in all other respects, albeit without prejudice as indicated above.

While the Court, in the exercise of discretion, will not impose sanctions on defendant

for necessitating this motion, despite the fact that at least a significant number of its positions were not substantially justified, defendant would be well advised to avoid meritless efforts to avoid or stall discovery in the future.

SO ORDERED.

Dated: January 23, 2009



Lewis A. Kaplan
United States District Judge

RIEMER & ASSOCIATES LLC
Attorneys for Plaintiff
Office and Post Office Address
60 East 42nd Street, Suite 2430
New York, New York 10165
(212) 297-0700

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JULIE JACOBY

07 Civ 4627 (LAK)(RLE)

Plaintiff,

**PLAINTIFF'S FOURTH REQUEST
FOR PRODUCTION
OF DOCUMENTS**

-against-

HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY

Defendant.

-----X

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. Rule 34, Plaintiff requests that defendant produce the following writings and things within the possession, custody or control of defendant, its representatives, agents, employees or attorneys for inspection and copying at the offices of Riemer & Associates LLC, 60 East 42nd Street, Suite 2430, New York, New York 10165, on or before February 21, 2009, at 10:00 a.m.

Definitions and Instructions

A. This request is governed by and incorporates by reference Rule 26.3 of the Civil Rules of the Southern District of New York.

B. The term "document" has the broadest meaning allowable under Fed. R. Civ. P. Rule 34(a) and Rule 26.3 of the Civil Rules of the Southern District of New York.

C. "Hartford" means defendant Hartford Life and Accident Insurance Company, its committees, its predecessors, successors, parents or subsidiaries, affiliates, or segments or divisions, and its present or former employees, agents, attorneys, accountants, officers, directors, trustees, or trustees in bankruptcy.

D. "Communication" means any correspondence, contact, discussion or exchange between any two or more persons or entities. Without limiting the foregoing, "communication" includes all documents, telephone conversations, e-mail, or face-to-face conversations, meetings and conferences.

E. "Plan" means GSCP (NJ) LP Long Term Disability Plan and any policy funding or forming a part thereof, its predecessors, successors, parents or subsidiaries, affiliates, or segments or divisions, and its present or former employees, agents, attorneys, accountants, officers, directors, trustees, or trustees in bankruptcy.

G. Terms in the plural include the singular and terms in the singular include the plural. "And" includes the word "or" and "or" includes the word "and." "All" includes the word "any" and "any" includes the word "all". The use of one gender shall include the other as appropriate in the context.

H. In responding to this request, you are expected to comply with Local Rule 26.2 for each document responsive to this request withheld pursuant to a claim of privilege or work product.

I. These document requests are to be deemed to be continuing.

J. Unless otherwise specified, the relevant time period of this request is January 1, 2002 to present.

Documents Requested

1. Any documents that evidence, record, reflect or refer to financial reports of Hartford's disability insurance business that demonstrate the assets, liabilities, profits and losses for that business for the years 2005, 2006 and 2007.
2. Any documents, excluding performance evaluations that have already been produced, that evidence, record, reflect and refer to the tier, grade, salary range and bonus structure for the following titles – SIU Medical Case Manager (I and II); SIU Clinical Case Manager; Investigative Analyst; Claim Examiner (IV); and Appeal Specialist.
3. Any documents that evidence, record, reflect or refer to the compensation levels and structures for any and all positions within the disability groups of Hartford from examiner and appeals specialist through the highest officer at Hartford in charge of Hartford's long term disability business, including, but not limited to – (a) Examiner; (b) Analyst; (c) Specialist; (d) QA; (e) MCM; (f) Case Manager; (g) Claim Specialist; (h) LTD Claim Specialist; (i) Service Specialist; (j) Project Consultant; (k) Ability Analyst; (l) LTD Ability Analyst; (m) Sr. Ability Analyst; (n) Appeal Specialist; (o) Sr. Appeal Specialist; (p) Team Leader; (q) Team Leader, LTD; (r) Manager; (s) Assistant Director; (t) Assistant Director, LTD; (u) Director; (v) Director, LTD; (w) Director LTD Claim Practices; (x) Director, Appeals; (y) Director, SIU; (z) AVP; (aa) AVP Claim Operations; (ab) AVP, Risk Management and Business Program Lead; (ac) SIU Director; (ad) Regional Vice President; (ae) Vice President; (af) Vice President GBD Claims.

Dated: New York, New York
February 9, 2009

RIEMER & ASSOCIATES LLC
Attorneys for Plaintiff
60 East 42nd Street, Suite 2430
New York, New York 10165
(212) 297-0700

By: _____
Scott M. Riemer (SR5005)

TO: David E. Constine, III, Esq.
Troutman Sanders LLP
1001 Haxall Point
P.O. Box 1122
Richmond VA 23218-1122

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for Plaintiff and that on February 9, 2009, I caused to be served by first class mail a true and correct copy of PLAINTIFF'S FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS to the following:

David E. Constine, III, Esq.
Troutman Sanders LLP
1001 Haxall Point
P.O. Box 1122
Richmond VA 23218-1122

Dated: New York, New York
February 9, 2009

SCOTT M. RIEMER (SR5005)
60 East 42nd Street, Suite 2430
New York, New York 10165
(212) 297-0700

PHILLIPS & ANGLEY
ATTORNEYS AND COUNSELLORS AT LAW
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
ONE BOWDOIN SQUARE
BOSTON, MASSACHUSETTS 02114
(617) 367-8787

JEFFREY J. PHILLIPS, P.C.
JEFFREY T. ANGLEY, P.C.
JONATHAN M. FEIGENBAUM*
CHRISTOPHER S. TOLLEY
DANIEL TREGER
KRISTEN M. PLOETZ
KATE G. WEINSTEIN

TELECOPIER (617) 227-8992

NORWELL OFFICE
150 LONGWATER DRIVE
NORWELL, MA 02061
(781) 982-7272
TELECOPIER (781) 982-7202

*ALSO ADMITTED IN DC AND CA

December 24, 2008

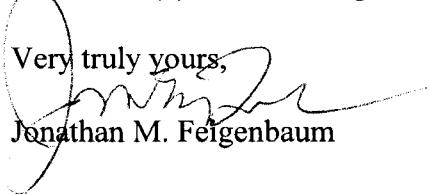
David E. Constine III, Esquire
Troutman Sanders LLP
P.O. Box 1122
Richmond, Virginia 23218-1122
david.constine@troutmansanders.com

Scott M. Riemer, Esq.
Riemer & Associates, LLC
60 East 42nd Street
Suite 2430
New York, NY 10165
sriemer@riemerlawfirm.com

RE: Jacoby v. Hartford
United District Court For the District of Massachusetts - Southern District of New York, Case No.: 07-04627

Gentlemen:

Enclosed you will Notice of Depositions and Subpoenas for: (1) Medical Advisory Group, L.L.C.; (2) University Disability Consortium, P.C.; and (3) William Sniger.

Very truly yours,

Jonathan M. Feigenbaum

JMF/mf
Enclosure
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**Issued by the
UNITED STATES DISTRICT COURT
District of Massachusetts**

Julie Jacoby

V.

Hartford Life and Accident Insurance Company

SUBPOENA IN A CIVIL CASECase Number:¹ 07-04627-LAK

TO: Medical Advisory Group, L.L.C.
2 Wilder Drive, Unit 3
Plaistow, NH 03865

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Phillips & Angley, One Bowdoin Square, Boston, MA 02114

DATE AND TIME

1/15/2009 2:00 pm

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Phillips & Angley, One Bowdoin Square, Boston, MA 02114

Documents are set forth on the attached EXHIBIT A

PLACE

Phillips & Angley, One Bowdoin Square, Boston, MA 02114

DATE AND TIME

1/15/2009 2:00 pm

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorney for Plaintiff

DATE

12/24/2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Jonathan M. Feigenbaum, Phillips & Angley, One Bowdoin Square, Boston, MA 02114, 617-367-8787

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(ii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself if privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1. A copy of all files, and all documents contained therein, maintained by Medical Advisory Group, L.L.C. ("MAG") with respect to Jacoby.
2. All communications of any kind, including emails and instant messages, that reference or pertain to Jacoby.
3. A copy of all files, and all documents contained therein, maintained by MAG with respect to Richard Levy, M.D.
4. A copy of all files, and all documents contained therein, maintained by MAG with respect to Jerome Siegel, M.D.
5. A copy of all files, and all documents contained therein, maintained by MAG with respect to Pedro Jose Garrido-Castillo, Ph.D.
6. A copy of all files, and all documents contained therein, maintained by MAG with respect to William Sniger, M.D.
7. A copy of all files, and all documents contained therein, maintained by MAG with respect the contract with Hartford.
8. A copy of all marketing materials disclosed in any litigation.
9. All reports, letters and/or evaluations written by Richard Levy, M.D. (including without limitation any computer or on-line based document) that evidence, record, reflect or refer to examinations, reviews and/or studies conducted in the years 2005 through 2008, of Hartford claimants. To protect the privacy of Hartford's claimants, MAG may redact the names and social security numbers of all such claimants.
10. All reports, letters and/or evaluations written by Jerome Siegel, M.D. (including without limitation any computer or on-line based document) that evidence, record, reflect or refer to examinations, reviews and/or studies conducted in the years 2005 through 2008, of Hartford claimants. To protect the privacy of Hartford's claimants, MAG may redact the names and social security numbers of all such claimants.
11. All reports, letters and/or evaluations written by Pedro Jose Garrido-Castillo, Ph.D. (including without limitation any computer or on-line based document) that evidence, record, reflect or refer to examinations, reviews and/or studies conducted in the years 2005 through 2008, of Hartford claimants. To protect the privacy of Hartford's claimants, MAG may redact the names and social security numbers of all such claimants.
12. All reports, letters and/or evaluations written by William Sniger, M.D. (including without limitation any computer or on-line based document) that evidence, record, reflect or refer to examinations, reviews and/or studies conducted in the years 2005 through 2008, of Hartford claimants. To protect the privacy of Hartford's claimants, MAG may redact the names and social security numbers of all such claimants.
13. All ratings and/or performance evaluations of Richard Levy, M.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
14. All ratings and/or performance evaluations of Jerome Siegel, M.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
15. All ratings and/or performance evaluations of Pedro Jose Garrido-Castillo, Ph.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
16. All ratings and/or performance evaluations of William Sniger, M.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
17. MAG's document retention policy for the years 2005 through 2008.
18. Documents evidencing payments made to Richard Levy, M.D. for the period from 2005 through 2008.

19. Documents evidencing payments made to Jerome Siegel, M.D. for the period from 2005 through 2008.
20. Documents evidencing payments made to Pedro Jose Garrido-Castillo, Ph.D. for the period from 2005 through 2008.
21. Documents evidencing payments made to William Sniger, M.D. for the period from 2005 through 2008.
22. Documents evidencing the number of examinations, reviews and/or studies conducted by Richard Levy, M.D. in the years 2005 through 2008.
23. Documents evidencing the number of examinations, reviews and/or studies conducted by Jerome Siegel, M.D. in the years 2005 through 2008.
24. Documents evidencing the number of examinations, reviews and/or studies conducted by Pedro Jose Garrido-Castillo, Ph.D. in the years 2005 through 2008.
25. Documents evidencing the number of examinations, reviews and/or studies conducted by William Sniger, M.D. in the years 2005 through 2008.
26. Documents evidencing the hourly rates charged by Richard Levy, M.D. in the years 2005 through 2008.
27. Documents evidencing the hourly rates charged by Jerome Siegel, M.D. in the years 2005 through 2008.
28. Documents evidencing the hourly rates charged by Pedro Jose Garrido-Castillo, Ph.D. in the years 2005 through 2008.
29. Documents evidencing the hourly rates charged by William Sniger, M.D. in the years 2005 through 2008.
30. Documents evidence the hourly rates charged by MAG to The Hartford for reviews by Richard Levy, M.D., Jerome Siegel, M.D., Pedro Jose Garrido-Castillo, Ph.D., William Sniger, M.D.
31. Documents evidencing the hourly rates charged by MAG to insurance carriers other than The Hartford.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JULIE JACOBY)
Plaintiff,)
v.)
HARTFORD LIFE AND ACCIDENT) CIVIL ACTION NO. 07-04627-LAK
INSURANCE COMPANY)
Defendant)

)

PLAINTIFF'S
RULE 30(b)(2),(3) AND (6) DEPOSITION NOTICE TO
MEDICAL ADVISORY GROUP L.L.C.

To: David E. Constine III, Esquire
Troutman Sanders
Troutman Sanders LLP
P.O. Box 1122
Richmond, Virginia 23218-1122
david.constine@troutmansanders.com

Scott M. Riemer, Esq.
Riemer & Associates, LLC
60 East 42nd Street
Suite 2430
New York, NY 10165
sriemer@riemerlawfirm.com

Please take notice that on **January 15, 2009 at 2:00 p.m.** the undersigned,
counsel to the Plaintiff will take the deposition(s) of one or more officers, directors, or
managing agents, or other designated persons to testify on behalf of Medical Advisory
Group, L.L.C. ("Deponent" hereinafter) pursuant to Fed.R.Civ.P., Rule 30(b)(2), (3) and
(6), on cross examination, on oral interrogatories, before Notary Public and certified

shorthand reporter, and by visual means, for all purposes permitted under the Federal Rules of Civil Procedure.

The person(s) so designated under Fed.R.Civ.P. Rule 30(b)(6) by the Deponent shall testify as to the following matters known or reasonably available to the Deponent as relating to the documents set forth in Section A below.

The deposition shall be conducted at Phillips & Angley, One Bowdoin Square, Boston, MA 02114

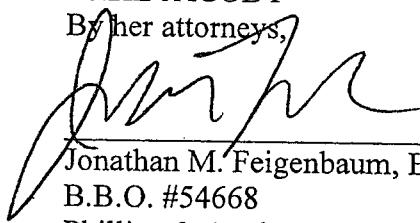
SECTION A

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6. A copy of all files, and all documents contained therein, maintained by MAG with respect to William Sniger, M.D.
7. A copy of all files, and all documents contained therein, maintained by MAG with respect the contract with Hartford.
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12. All reports, letters and/or evaluations written by William Sniger, M.D. (including without limitation any computer or on-line based document) that evidence, record, reflect or refer to examinations, reviews and/or studies conducted in the years 2005 through 2008, of Hartford claimants. To protect the privacy of Hartford's claimants, MAG may redact the names and social security numbers of all such claimants.
 13. All ratings and/or performance evaluations of Richard Levy, M.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
 14. All ratings and/or performance evaluations of Jerome Siegel, M.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
 15. All ratings and/or performance evaluations of Pedro Jose Garrido-Castillo, Ph.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
 16. All ratings and/or performance evaluations of William Sniger, M.D. prepared by MAG and/or Hartford for the years 2005 through 2008.
 17. MAG's document retention policy for the years 2005 through 2008.
 18. Documents evidencing payments made to Richard Levy, M.D. for the period from 2005 through 2008.
 19. Documents evidencing payments made to Jerome Siegel, M.D. for the period from 2005 through 2008.
 20. Documents evidencing payments made to Pedro Jose Garrido-Castillo, Ph.D. for the period from 2005 through 2008.
 21. Documents evidencing payments made to William Sniger, M.D. for the period from 2005 through 2008.
 22. Documents evidencing the number of examinations, reviews and/or studies conducted by Richard Levy, M.D. in the years 2005 through 2008.
 23. Documents evidencing the number of examinations, reviews and/or studies conducted by Jerome Siegel, M.D. in the years 2005 through 2008.
 24. Documents evidencing the number of examinations, reviews and/or studies conducted by Pedro Jose Garrido-Castillo, Ph.D. in the years 2005 through 2008.
 25. Documents evidencing the number of examinations, reviews and/or studies conducted by William Sniger, M.D. in the years 2005 through 2008.
 26. Documents evidencing the hourly rates charged by Richard Levy, M.D. in the years 2005 through 2008.
 27. Documents evidencing the hourly rates charged by Jerome Siegel, M.D. in the years 2005 through 2008.
 28. Documents evidencing the hourly rates charged by Pedro Jose Garrido-Castillo, Ph.D. in the years 2005 through 2008.
 29. Documents evidencing the hourly rates charged by William Sniger, M.D. in the years 2005 through 2008.
 30. Documents evidence the hourly rates charged by MAG to The Hartford for reviews by Richard Levy, M.D., Jerome Siegel, M.D., Pedro Jose Garrido-Castillo, Ph.D., William Sniger, M.D.

31. Documents evidencing the hourly rates charged by MAG to insurance carriers other than The Hartford.

The Plaintiff,
JULIE JACOBY
By her attorneys,

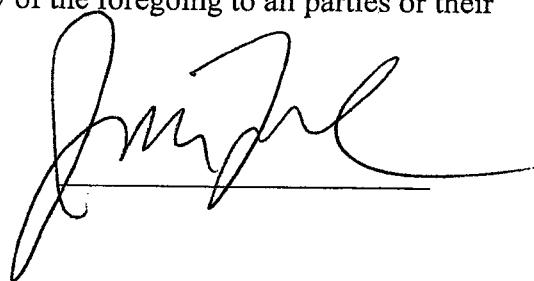


Jonathan M. Feigenbaum, Esq.
B.B.O. #54668
Phillips & Angley
One Bowdoin Square
Boston, MA 02114
Tel. No. (617) 367-8787

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing to all parties or their counsel of record this day by mail and email.

DATED: December 24, 2008



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ANNUAL STATEMENT

For the Year Ended December 31, 2007

of the Condition and Affairs of the

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY

NAIC Group Code.....0091, 0091

(Current Period) (Prior Period)

Organized under the Laws of CONNECTICUT

Incorporated/Organized..... February 14, 1967

Statutory Home Office

NAIC Company Code..... 70815

Employer's ID Number..... 06-0838648

State of Domicile or Port of Entry CONNECTICUT

Country of Domicile US

Commenced Business..... February 14, 1967

Main Administrative Office

200 HOPMEADOW STREET..... SIMSBURY CT 06089

860-547-5000

(Street and Number) (City or Town, State and Zip Code)

(Area Code) (Telephone Number)

Mail Address

200 HOPMEADOW STREET..... SIMSBURY CT 06089

860-547-5000

(Street and Number) (City or Town, State and Zip Code)

(Area Code) (Telephone Number)

Primary Location of Books and Records

ONE HARTFORD PLAZA..... HARTFORD CT 06115

860-547-5000

(Street and Number or P. O. Box) (City or Town, State and Zip Code)

(Area Code) (Telephone Number)

Internet Website Address

200 HOPMEADOW STREET..... SIMSBURY CT 06089

860-547-5000

(Street and Number) (City or Town, State and Zip Code)

(Area Code) (Telephone Number)

Statutory Statement Contact

WWW.THEHARTFORD.COM

860-843-4916

MICHAEL J WASIK

(Area Code) (Telephone Number) (Extension)

(Name)

860-843-3057

Michael.Wasik@hartfordlife.com

(E-Mail Address)

(Fax Number)

OFFICERS

Name

1. LIZABETH HERBST ZLATKUS #
3. ERNEST MALCOLM MCNEILL, JR.

Title

President, CEO & COB
SVP & Chief Accounting Officer

Name

2. RICHARD GIBSON COSTELLO
4. CRAIG DOUGLAS MORROW #

Title

VP & Secretary
AVP & Appointed Actuary

OTHER

RICARDO ARTURO ANZALDUA #
JAMES FREDERICK CASEY
TIMOTHY MICHAEL FITCH
RONALD RICHARD GENDREAU
CHRISTOPHER JAMES HANLON
ALAN JAMES KRECKO #
WILLIAM PATRICK MEANEY
CRAIG RODOLPH RAYMOND
JOHN CLINTON WALTERS

SVP & Assistant Secretary
Senior Vice President
Senior Vice President
Senior Vice President
Senior Vice President
EVP & General Counsel
Senior Vice President
Senior Vice President
Executive Vice President

DAVID ALAN CARLSON
MICHAEL BERNARD CEFOLE
JENNIFER JILL GEISLER
JOHN NICHOLAS GIAMALIS
MICHAEL LAURENCE KALEN
GLENN DAVID LAMMEY
BRIAN DENNIS MURPHY #
JOE MCKEE THOMSON
DAVID MARK ZNAMIEROWSKI

SVP & Director of Taxes
Vice President
Senior Vice President
SVP & Treasurer
Executive Vice President
CFO & Executive Vice President
Executive Vice President
Senior Vice President
EVP & Chief Investment Officer

DIRECTORS OR TRUSTEES

GLENN DAVID LAMMEY

JOHN CLINTON WALTERS

LIZABETH HERBST ZLATKUS

DAVID MARK ZNAMIEROWSKI

State of..... CONNECTICUT
County of.... HARTFORD

The officers of this reporting entity being duly sworn, each depose and say that they are the described officers of said reporting entity, and that on the reporting period stated above, all of the herein described assets were the absolute property of the said reporting entity, free and clear from any liens or claims thereon, except as herein stated, and that this statement, together with related exhibits, schedules and explanations therein contained, annexed or referred to, is a full and true statement of all the assets and liabilities and of the condition and affairs of the said reporting entity as of the reporting period stated above, and of its income and deductions therefrom for the period ended, and have been completed in accordance with the NAIC Annual Statement Instructions and Accounting Practices and Procedures manual except to the extent that: (1) state law may differ; or, (2) that state rules or regulations require differences in reporting not related to accounting practices and procedures, according to the best of their information, knowledge and belief, respectively. Furthermore, the scope of this attestation by the described officers also includes the related corresponding electronic filing with the NAIC, when required, that is an exact copy of the enclosed statement (except for formatting differences due to electronic filing). The electronic filing may be requested by various regulators in lieu of or in addition to the enclosed statement.

(Signature)

LIZABETH HERBST ZLATKUS #

1. (Printed Name)
President, CEO & COB
(Title)

(Signature)

RICHARD GIBSON COSTELLO

2. (Printed Name)
VP & Secretary
(Title)

(Signature)

ERNEST MALCOLM MCNEILL, JR.

3. (Printed Name)
SVP & Chief Accounting Officer
(Title)

Subscribed and sworn to before me

This 8th day of February, 2008

Donna T. Rondeau

a. Is this an original filing?

- b. If no
1. State the amendment number
 2. Date filed
 3. Number of pages attached

Yes [X] No []

ASSETS

	Current Year			Prior Year
	1 Assets	2 Nonadmitted Assets	3 Net Admitted Assets (Cols. 1 - 2)	4 Net Admitted Assets
1. Bonds (Schedule D).....	6,143,799,779		6,143,799,779	6,594,684,681
2. Stocks (Schedule D):				
2.1 Preferred stocks.....	951,798,011		951,798,011	722,647,179
2.2 Common stocks.....	4,926,719,982	19,356,830	4,907,363,152	3,754,675,876
3. Mortgage loans on real estate (Schedule B):				
3.1 First liens.....	516,120,091		516,120,091	254,820,189
3.2 Other than first liens.....	56,918,766		56,918,766	23,718,969
4. Real estate (Schedule A):				
4.1 Properties occupied by the company (less \$.....0 encumbrances).....			0	
4.2 Properties held for the production of income (less \$.....0 encumbrances).....			0	
4.3 Properties held for sale (less \$.....0 encumbrances).....			0	
5. Cash (\$....26,819,262, Sch. E-Part 1), cash equivalents (\$....6,688,788, Sch. E-Part 2) and short-term investments (\$....409,164,194, Sch. DA).....	442,672,244		442,672,244	486,918,416
6. Contract loans (including \$.....0 premium notes).....	40,515,439		40,515,439	38,016,994
7. Other invested assets (Schedule BA).....	458,298,445	7,916,889	450,381,556	372,543,098
8. Receivables for securities.....	45,881		45,881	27,552,891
9. Aggregate write-ins for invested assets.....	15,245,624	0	15,245,624	9,789,896
10. Subtotals, cash and invested assets (Lines 1 to 9).....	13,552,134,262	27,273,719	13,524,860,543	12,285,368,189
11. Title plants less \$.....0 charged off (for Title insurers only).....			0	
12. Investment income due and accrued.....	89,674,975		89,674,975	97,357,776
13. Premiums and considerations:				
13.1 Uncollected premiums and agents' balances in course of collection.....	384,621,177	20,137,096	364,484,081	354,542,428
13.2 Deferred premiums, agents' balances and installments booked but deferred and not yet due (including \$.....0 earned but unbilled premiums).....	1,043,345		1,043,345	1,204,902
13.3 Accrued retrospective premiums.....			0	
14. Reinsurance:				
14.1 Amounts recoverable from reinsurers.....	27,212,003		27,212,003	26,648,166
14.2 Funds held by or deposited with reinsured companies.....	6,614,577		6,614,577	
14.3 Other amounts receivable under reinsurance contracts.....	2,934,509		2,934,509	4,604,016
15. Amounts receivable relating to uninsured plans.....	5,574,203		5,574,203	8,947,743
16.1 Current federal and foreign income tax recoverable and interest thereon.....			0	4,885,598
16.2 Net deferred tax asset.....	115,224,456	61,748,046	53,476,410	44,533,720
17. Guaranty funds receivable or on deposit.....	814,271		814,271	739,017
18. Electronic data processing equipment and software.....	173,420,895	148,353,784	25,067,111	27,122,405
19. Furniture and equipment, including health care delivery assets (\$.....0).....	16,662,517	16,662,517	0	
20. Net adjustment in assets and liabilities due to foreign exchange rates.....			0	
21. Receivables from parent, subsidiaries and affiliates.....	85,046,826	2,603,192	82,443,634	74,208,822
22. Health care (\$.....0) and other amounts receivable.....	8,351	8,351	0	
23. Aggregate write-ins for other than invested assets.....	21,021,443	17,702,536	3,318,907	36,066,967
24. Total assets excluding Separate Accounts, Segregated Accounts and Protected Cell Accounts (Lines 10 to 23).....	14,482,007,810	294,489,241	14,187,518,569	12,966,229,749
25. From Separate Accounts, Segregated Accounts and Protected Cell Accounts.....			0	
26. TOTALS (Lines 24 and 25).....	14,482,007,810	294,489,241	14,187,518,569	12,966,229,749

DETAILS OF WRITE-INS

0901. Derivative Instruments.....	15,245,624		15,245,624	9,789,896
0902.			0	
0903.			0	
0998. Summary of remaining write-ins for Line 9 from overflow page.....	0	0	0	0
0999. Totals (Lines 0901 thru 0903 plus 0998) (Line 9 above).....	15,245,624	0	15,245,624	9,789,896
2301. Disbursements and items not allocated.....	3,318,907		3,318,907	36,066,967
2302. Other Assets Non-Admitted.....	17,702,536	17,702,536	0	
2303.			0	
2398. Summary of remaining write-ins for Line 23 from overflow page.....	0	0	0	0
2399. Totals (Lines 2301 thru 2303 plus 2398) (Line 23 above).....	21,021,443	17,702,536	3,318,907	36,066,967

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY**LIABILITIES, SURPLUS AND OTHER FUNDS**

	1 Current Year	2 Prior Year
1. Aggregate reserve for life contracts \$....1,595,819,532 (Exhibit 5, Line 9999999) less \$.....0 included in Line 6.3 (including \$.....0 Modco Reserve).....	1,595,819,532	1,579,313,339
2. Aggregate reserve for accident and health contracts (Exhibit 6, Line 17, Col. 1) (including \$.....0 Modco Reserve).....	4,756,464,347	4,611,696,199
3. Liability for deposit-type contracts (Exhibit 7, Line 14, Col. 1) (including \$.....0 Modco Reserve).....	326,893,025	333,628,572
4. Contract claims:		
4.1 Life (Exhibit 8, Part 1, Line 4.4, Col. 1 less sum of Cols. 9, 10 and 11).....	272,538,288	274,992,751
4.2 Accident and health (Exhibit 8, Part 1, Line 4.4, sum of Cols. 9, 10 and 11).....	235,504,725	236,999,427
5. Policyholders' dividends \$.....0 and coupons \$.....0 due and unpaid (Exhibit 4, Line 10).....		
6. Provision for policyholders' dividends and coupons payable in following calendar year - estimated amounts:		
6.1 Dividends apportioned for payment (including \$.....0 Modco).....	45,171	40,742
6.2 Dividends not yet apportioned (including \$.....0 Modco).....		
6.3 Coupons and similar benefits (including \$.....0 Modco).....		
7. Amount provisionally held for deferred dividend policies not included in Line 6.....		
8. Premiums and annuity considerations for life and accident and health contracts received in advance less \$.....0 discount; including \$....1,496,116 accident and health premiums (Exhibit 1, Part 1, Col. 1, sum of Lines 4 and 14).....	2,798,747	1,138,388
9. Contract liabilities not included elsewhere:		
9.1 Surrender values on canceled contracts.....		
9.2 Provision for experience rating refunds, including \$.....0 accident and health experience rating refunds.....	104,039,237	94,590,104
9.3 Other amounts payable on reinsurance, including \$.....0 assumed and \$.....0 ceded.....		
9.4 Interest Maintenance Reserve (IMR, Line 6).....	26,254,466	42,075,064
10. Commissions to agents due or accrued - life and annuity contracts \$....6,613,652, accident and health \$....87,543,476 and deposit-type contract funds \$....3,020,334.....	97,177,462	86,096,173
11. Commissions and expense allowances payable on reinsurance assumed.....	13,672,268	23,355,831
12. General expenses due or accrued (Exhibit 2, Line 12, Col. 6).....	97,353,334	103,043,211
13. Transfers to Separate Accounts due or accrued (net) (including \$.....0 accrued for expense allowances recognized in reserves, net of reinsured allowances).....		
14. Taxes, licenses and fees due or accrued, excluding federal income taxes (Exhibit 3, Line 9, Col. 5).....	16,711,707	20,426,216
15.1 Current federal and foreign income taxes, including \$.....0 on realized capital gains (losses).....	1,333,657	
15.2 Net deferred tax liability.....		
16. Unearned investment income.....	1,228,593	1,161,320
17. Amounts withheld or retained by company as agent or trustee.....	1,554,822	(223,034)
18. Amounts held for agents' account, including \$....1,032,941 agents' credit balances.....	1,032,941	6,621,434
19. Remittances and items not allocated.....	170,718,819	227,826,143
20. Net adjustment in assets and liabilities due to foreign exchange rates.....		
21. Liability for benefits for employees and agents if not included above.....		
22. Borrowed money \$.....0 and interest thereon \$.....0.....		
23. Dividends to stockholders declared and unpaid.....		76,000,000
24. Miscellaneous liabilities:		
24.1 Asset valuation reserve (AVR Line 16, Col. 7).....	99,950,227	140,860,236
24.2 Reinsurance in unauthorized companies.....	2,612,020	7,067,549
24.3 Funds held under reinsurance treaties with unauthorized reinsurers.....		
24.4 Payable to parent, subsidiaries and affiliates.....	12,193,778	68,393,913
24.5 Drafts outstanding.....	54,975,835	66,016,001
24.6 Liability for amounts held under uninsured plans.....		
24.7 Funds held under coinsurance.....	16,636,858	16,737,388
24.8 Payable for securities.....	23,476,389	8,131,513
24.9 Capital notes \$.....0 and interest thereon \$.....0.....		
25. Aggregate write-ins for liabilities.....	470,459,618	207,248,777
26. Total liabilities excluding Separate Accounts business (Lines 1 to 25).....	8,401,445,865	8,233,237,257
27. From Separate Accounts Statement.....		
28. Total liabilities (Line 26 and 27).....	8,401,445,865	8,233,237,257
29. Common capital stock.....	2,500,000	2,500,000
30. Preferred capital stock.....		
31. Aggregate write-ins for other than special surplus funds.....	0	0
32. Surplus notes.....		
33. Gross paid in and contributed surplus (Page 3, Line 33, Col. 2 plus Page 4, Line 51.1, Col. 1).....	2,568,354,375	2,604,849,034
34. Aggregate write-ins for special surplus funds.....	0	0
35. Unassigned funds (surplus).....	3,215,218,328	2,125,643,458
36. Less treasury stock, at cost:		
36.1 ....0.000 shares common (value included in Line 29 \$.....0).....		
36.2 ....0.000 shares preferred (value included in Line 30 \$.....0).....		
37. Surplus (Total Lines 31 + 32 + 33 + 34 + 35 - 36) (including \$.....0 in Separate Accounts Statement).....	5,783,572,703	4,730,492,492
38. Totals of Lines 29, 30 and 37 (Page 4, Line 55).....	5,786,072,703	4,732,992,492
39. Totals of Lines 28 and 38 (Page 2, Line 26, Col. 3).....	14,187,518,569	12,966,229,749

DETAILS OF WRITE-INS

2501. Securities Lending Collateral.....	357,207,832	155,759,553
2502. Miscellaneous Liabilities.....	67,245,797	32,899,558
2503. Reserve for Rental Obligation.....	45,850,571	18,443,581
2598. Summary of remaining write-ins for Line 25 from overflow page.....	155,418	146,085
2599. Totals (Lines 2501 thru 2503 plus 2598) (Line 25 above).....	470,459,618	207,248,777
3101.		
3102.		
3103.		
3198. Summary of remaining write-ins for Line 31 from overflow page.....	0	0
3199. Totals (Lines 3101 thru 3103 plus 3198) (Line 31 above).....	0	0
3401.		
3402.		
3403.		
3498. Summary of remaining write-ins for Line 34 from overflow page.....	0	0
3499. Totals (Lines 3401 thru 3403 plus 3498) (Line 34 above).....	0	0

**HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY
SUMMARY OF OPERATIONS**

	1 Current Year	2 Prior Year
1. Premiums and annuity considerations for life and accident and health contracts (Exhibit 1, Part 1, Line 20.4, Col. 1, less Col. 11).....	4,047,806,462	3,980,431,600
2. Considerations for supplementary contracts with life contingencies.....	9,260	9,862
3. Net investment income (Exhibit of Net Investment Income, Line 17).....	945,556,253	789,061,369
4. Amortization of Interest Maintenance Reserve (IMR) (Line 5).....	6,732,601	12,076,944
5. Separate Accounts net gain from operations excluding unrealized gains or losses.....		
6. Commissions and expense allowances on reinsurance ceded (Exhibit 1, Part 2, Line 26.1, Col. 1).....	881,088	562,485
7. Reserve adjustments on reinsurance ceded.....		
8. Miscellaneous Income:		
8.1 Income from fees associated with investment management, administration and contract guarantees from Separate Accounts.....		
8.2 Charges and fees for deposit-type contracts.....		
8.3 Aggregate write-ins for miscellaneous income.....	9,639,096	2,746,978
9. Totals (Lines 1 to 8.3).....	5,010,624,760	4,784,889,238
10. Death benefits.....	862,547,401	865,601,935
11. Matured endowments (excluding guaranteed annual pure endowments).....	131,421	12,847
12. Annuity benefits (Exhibit 8, Part 2, Line 6.4, Cols. 4 + 8).....	16,343,459	16,417,869
13. Disability benefits and benefits under accident and health contracts.....	1,849,529,520	1,754,435,425
14. Coupons, guaranteed annual pure endowments and similar benefits.....		
15. Surrender benefits and withdrawals for life contracts.....	22,777,149	23,100,028
16. Group conversions.....	541,987	441,006
17. Interest and adjustments on contract or deposit-type contract funds.....	17,349,749	9,231,538
18. Payments on supplementary contracts with life contingencies.....	13,932	13,932
19. Increase in aggregate reserves for life and accident and health contracts.....	170,950,299	183,434,890
20. Totals (Lines 10 to 19).....	2,940,184,917	2,852,689,470
21. Commissions on premiums, annuity considerations and deposit-type contract funds (direct business only) (Exhibit 1, Part 2, Line 31, Col. 1).....	396,026,881	393,368,166
22. Commissions and expense allowances on reinsurance assumed (Exhibit 1, Part 2, Line 26.2, Col. 1).....	162,040,838	146,979,228
23. General insurance expenses (Exhibit 2, Line 10, Columns 1, 2, 3 and 4).....	603,684,093	639,513,851
24. Insurance taxes, licenses and fees, excluding federal income taxes (Exhibit 3, Line 7, Cols. 1 + 2 + 3).....	84,759,535	84,525,107
25. Increase in loading on deferred and uncollected premiums.....	67,502	87,289
26. Net transfers to or (from) Separate Accounts net of reinsurance.....		
27. Aggregate write-ins for deductions.....	13,784,093	12,292,355
28. Totals (Lines 20 to 27).....	4,200,547,859	4,129,455,466
29. Net gain from operations before dividends to policyholders and federal income taxes (Line 9 minus Line 28).....	810,076,901	655,433,772
30. Dividends to policyholders.....	213,031	182,411
31. Net gain from operations after dividends to policyholders and before federal income taxes (Line 29 minus Line 30).....	809,863,870	655,251,361
32. Federal and foreign income taxes incurred (excluding tax on capital gains).....	25,424,186	35,040,117
33. Net gain from operations after dividends to policyholders and federal income taxes and before realized capital gains or (losses) (Line 31 minus Line 32).....	784,439,684	620,211,244
34. Net realized capital gains or (losses) (excluding gains (losses) transferred to the IMR) less capital gains tax of \$....7,376,515 excluding taxes of \$....(984,651) transferred to the IMR).....	(7,686,970)	24,238,749
35. Net income (Line 33 plus Line 34).....	776,752,714	644,449,993
CAPITAL AND SURPLUS ACCOUNT		
36. Capital and surplus, December 31, prior year (Page 3, Line 38, Col. 2).....	4,732,992,492	4,347,533,373
37. Net income (Line 35).....	776,752,714	644,449,993
38. Change in net unrealized capital gains (losses) less capital gains tax of \$....(9,026,037).....	797,552,161	162,530,606
39. Change in net unrealized foreign exchange capital gain (loss)		
40. Change in net deferred income tax.....	54,807,782	(34,533,974)
41. Change in nonadmitted assets and related items.....	(126,832,638)	(792,864)
42. Change in liability for reinsurance in unauthorized companies.....	4,455,529	172,397
43. Change in reserve on account of change in valuation basis, (increase) or decrease (Exhibit 5A, Line 9999999, Col. 4).....	40,910,009	(126,501,014)
44. Change in asset valuation reserve		
45. Change in treasury stock, (Page 3, Lines 36.1 and 36.2 Col. 2 minus Col. 1).....		
46. Surplus (contributed to) withdrawn from Separate Accounts during period.....		
47. Other changes in surplus in Separate Accounts Statement.....		
48. Change in surplus notes.....		
49. Cumulative effect of changes in accounting principles.....		
50. Capital changes:		
50.1 Paid in.....		
50.2 Transferred from surplus (Stock Dividend).....		
50.3 Transferred to surplus.....		
51. Surplus adjustment:		
51.1 Paid in.....	(36,494,658)	26,633,976
51.2 Transferred to capital (Stock Dividend).....		
51.3 Transferred from capital.....		
51.4 Change in surplus as a result of reinsurance.....		
52. Dividends to stockholders.....	(474,900,000)	(286,500,000)
53. Aggregate write-ins for gains and losses in surplus.....	16,829,310	0
54. Net change in capital and surplus for the year (Lines 37 through 53).....	1,053,080,210	385,459,119
55. Capital and surplus, December 31, current year (Lines 36 + 54) (Page 3, Line 38).....	5,786,072,703	4,732,992,492

DETAILS OF WRITE-INS

08.301. Miscellaneous Income.....	9,639,096	2,746,978
08.302.		
08.303.		
08.398. Summary of remaining write-ins for Line 8.3 from overflow page.....	0	0
08.399. Totals (Lines 08.301 thru 08.303 plus 08.398) (Line 8.3 above).....	9,639,096	2,746,978
2701. Miscellaneous Deductions.....	13,784,093	12,292,355
2702.		
2703.		
2798. Summary of remaining write-ins for Line 27 from overflow page.....	0	0
2799. Totals (Lines 2701 thru 2703 plus 2798) (Line 27 above).....	13,784,093	12,292,355
5301. Correction of Error.....	16,829,310	
5302.		
5303.		
5398. Summary of remaining write-ins for Line 53 from overflow page.....	0	0
5399. Totals (Lines 5301 thru 5303 plus 5398) (Line 53 above).....	16,829,310	0

CASH FLOW

	1 Current Year	2 Prior Year
CASH FROM OPERATIONS		
1. Premiums collected net of reinsurance.....	4,049,138,930	3,981,524,362
2. Net investment income.....	824,895,924	817,486,490
3. Miscellaneous income.....	10,520,184	3,309,463
4. Total (Lines 1 through 3).....	4,884,555,038	4,802,320,315
5. Benefit and loss related payments.....	2,778,692,690	2,696,274,250
6. Net transfers to Separate Accounts, Segregated Accounts and Protected Cell Accounts.....	.....	.....
7. Commissions, expenses paid and aggregate write-ins for deductions.....	1,015,788,695	1,226,427,945
8. Dividends paid to policyholders.....	208,602	179,622
9. Federal and foreign income taxes paid (recovered) net of \$.....0 tax on capital gains (losses).....	(587,466)	(945,610)
10. Total (Lines 5 through 9).....	3,794,102,521	3,921,936,207
11. Net cash from operations (Line 4 minus Line 10).....	1,090,452,517	880,384,108
CASH FROM INVESTMENTS		
12. Proceeds from investments sold, matured or repaid:	.....	.....
12.1 Bonds.....	1,978,777,362	1,693,291,267
12.2 Stocks.....	236,907,681	62,445,628
12.3 Mortgage loans.....	110,428,779	72,460,441
12.4 Real estate.....	.....	.....
12.5 Other invested assets.....	13,671,331	33,667,549
12.6 Net gains or (losses) on cash, cash equivalents and short-term investments.....	(29)	(21)
12.7 Miscellaneous proceeds.....	14,118,454	23,636,095
12.8 Total investment proceeds (Lines 12.1 to 12.7).....	2,353,903,578	1,885,500,959
13. Cost of investments acquired (long-term only):	.....	.....
13.1 Bonds.....	1,627,006,691	1,863,400,233
13.2 Stocks.....	728,900,710	258,010,979
13.3 Mortgage loans.....	404,469,974	191,689,362
13.4 Real estate.....	.....	.....
13.5 Other invested assets.....	123,953,909	70,576,444
13.6 Miscellaneous applications.....	12,942,354	42,996,733
13.7 Total investments acquired (Lines 13.1 to 13.6).....	2,897,273,637	2,426,673,751
14. Net increase (decrease) in contract loans and premium notes.....	2,498,445	(3,823,809)
15. Net cash from investments (Line 12.8 minus Lines 13.7 and 14).....	(545,868,504)	(537,348,983)
CASH FROM FINANCING AND MISCELLANEOUS SOURCES		
16. Cash provided (applied):	.....	.....
16.1 Surplus notes, capital notes.....	.....	.....
16.2 Capital and paid in surplus, less treasury stock.....	(50,000,000)	.....
16.3 Borrowed funds.....	.....	.....
16.4 Net deposits on deposit-type contracts and other insurance liabilities.....	(6,735,547)	1,605,818
16.5 Dividends to stockholders.....	401,625,663	269,500,000
16.6 Other cash provided (applied).....	(130,468,976)	(28,484,554)
17. Net cash from financing and miscellaneous sources (Lines 16.1 to 16.4 minus Line 16.5 plus Line 16.6).....	(588,830,185)	(296,378,736)
RECONCILIATION OF CASH, CASH EQUIVALENTS AND SHORT-TERM INVESTMENTS		
18. Net change in cash, cash equivalents and short-term investments (Line 11 plus Line 15 plus Line 17).....	(44,246,172)	46,656,389
19. Cash, cash equivalents and short-term investments:	.....	.....
19.1 Beginning of year.....	486,918,416	440,262,027
19.2 End of year (Line 18 plus Line 19.1).....	442,672,244	486,918,416

Note: Supplemental disclosures of cash flow information for non-cash transactions:

20.0001 Capital Contribution for Stock Compensation.....	13,505,342	26,633,976
20.0002 Dividend of Assets to Affiliate Champlain Life Reinsurance Company.....	149,274,337	.....

ANALYSIS OF OPERATION BY LINES OF BUSINESS

	1 Total	2 Industrial Life	Ordinary			6 Credit Life (Group and Individual)	Group		Accident and Health			12 Aggregate of All Other Lines of Business
			3 Life Insurance	4 Individual Annuities	5 Supplementary Contracts		7 Life Insurance(a)	8 Annuities	9 Group	10 Credit (Group and Individual)	11 Other	
1. Premiums and annuity considerations for life and accident and health contracts.....	4,047,806,462		30,176,433	129,091			1,148,569,364	52,753	2,868,353,788		525,033	
2. Considerations for supplementary contracts with life contingencies.....	9,260		9,260									
3. Net investment income.....	945,556,253		30,330,630	192,438,468			109,252,194	21,020,363	342,914,324		(15,223)	249,615,496
4. Amortization of Interest Maintenance Reserve (IMR).....	6,732,601											6,732,601
5. Separate Accounts net gain from operations excluding unrealized gains or losses.....	0											
6. Commissions and expense allowances on reinsurance ceded.....	881,088			(15,914)			620,469		252,694		23,839	
7. Reserve adjustments on reinsurance ceded.....	0											
8. Miscellaneous Income:												
8.1 Fees associated with income from investment management, administration and contract guarantees from S/A.....	0											
8.2 Charges and fees for deposit-type contracts.....	0											
8.3 Aggregate write-ins for miscellaneous income.....	9,639,096	0	823,251	756	0	0	8,815,089	0	0	0	0	0
9. Totals (Lines 1 to 8.3).....	5,010,624,760	0	61,323,660	192,568,315	0	0	1,267,257,116	21,073,116	3,211,520,806	0	533,649	256,348,097
10. Death benefits.....	862,547,401		38,881,867				823,665,535					
11. Matured endowments (excluding guaranteed annual pure endowments).....	131,421		6,313				125,108					
12. Annuity benefits.....	16,343,459		-	2,482,977					13,860,482			
13. Disability benefits and benefits under accident and health contracts.....	1,849,529,520		188,447	-			6,643		1,847,743,082		1,591,350	
14. Coupons, guaranteed annual pure endowments and similar benefits.....	0		-	-								
15. Surrender benefits and withdrawals for life contracts.....	22,777,149		21,681,571	811,772			231,902		51,903			
16. Group conversions.....	541,987		(1,485,423)	-			2,027,410					
17. Interest and adjustments on contract or deposit-type contract funds.....	17,349,749		342,377	417,706			17,685,697		(1,096,031)			
18. Payments on supplementary contracts with life contingencies.....	13,932		-		13,932							
19. Increase in aggregate reserves for life and accident and health contracts.....	170,950,299		(8,317,603)	112,207	(3,675)		44,308,015	(4,264,433)	138,881,857		233,931	
20. Totals (Lines 10 to 19).....	2,940,184,917	0	51,297,549	3,824,662	10,257	0	888,050,309	9,596,049	1,985,580,811	0	1,825,281	0
21. Commissions on premiums, annuity considerations and deposit-type contract funds (direct business only).....	396,026,881		382,415				60,827,079		334,817,386			
22. Commissions and expense allowances on reinsurance assumed.....	162,040,838						19,023,897		143,016,941			
23. General insurance expenses.....	603,684,093		3,694,261	64,605			135,254,496		422,662,439		450	42,007,842
24. Insurance taxes, licenses and fees, excluding federal income taxes.....	84,759,535		884,601	2,860			25,398,000		58,068,114		24,698	381,262
25. Increase in loading on deferred and uncollected premiums.....	67,502		67,502									
26. Net transfers to or (from) Separate Accounts net of reinsurance.....	0		-									
27. Aggregate write-ins for deductions.....	13,784,093	0	251,876	0	0	0	10,252,106	71	771,979	0	0	2,508,061
28. Totals (Lines 20 to 27).....	4,200,547,859	0	56,578,204	3,892,127	10,257	0	1,138,805,888	9,596,120	2,944,917,670	0	1,850,429	44,897,165
29. Net gain from operations before dividends to policyholders and federal income taxes (Line 9 minus Line 28).....	810,076,901	0	4,745,457	188,676,188	(10,257)	0	128,451,228	11,476,996	266,603,136	0	(1,316,780)	211,450,932
30. Dividends to policyholders.....	213,031		213,031									
31. Net gain from operations after dividends to policyholders and before federal income taxes (Line 29 minus Line 30).....	809,863,870	0	4,532,426	188,676,188	(10,257)	0	128,451,228	11,476,996	266,603,136	0	(1,316,780)	211,450,932
32. Federal income taxes incurred (excluding tax on capital gains).....	25,424,186		(11,034,408)	(5,730,258)	51,285			(1,021,499)	77,827,899		334,783	(35,003,616)
33. Net gain from operations after dividends to policyholders and federal income taxes and before realized capital gains or (losses) (Line 31 minus Line 32).....	784,439,684	0	15,566,834	194,406,446	(61,542)	0	128,451,228	12,498,495	188,775,237	0	(1,651,563)	246,454,548

DETAILS OF WRITE-INS

08.301. Miscellaneous Income.....	9,639,096		823,251	756			8,815,089					
08.302.	0											
08.303.	0											
08.398. Summary of remaining write-ins for Line 8.3 from overflow page.....	0	0	0	0	0	0	0	0	0	0	0	0
08.399. Total (Lines 08.301 thru 08.303 plus 08.398) (Line 8.3 above).....	9,639,096	0	823,251	756	0	0	8,815,089	0	0	0	0	0
2701. Miscellaneous Deductions.....	13,784,093		251,876				10,252,106	71	771,979			2,508,061
2702.	0											
2703.	0											
2798. Summary of remaining write-ins for Line 27 from overflow page.....	0	0	0	0	0	0	0	0	0	0	0	0
2799. Total (Lines 2701 thru 2703 plus 2798) (Line 27 above).....	13,784,093	0	251,876	0	0	0	10,252,106	71	771,979	0	0	2,508,061

(a) Includes the following amounts for FEGLI/SGLI: Line 1.....0 Line 10.....0 Line 16.....0 Line 23.....0 Line 24.....0.

ANALYSIS OF INCREASE IN RESERVES DURING THE YEAR

	1 Total	2 Industrial Life	Ordinary			6 Credit Life (Group and Individual)	Group				
			3 Life Insurance	4 Individual Annuities	5 Supplementary Contracts		7 Life Insurance	8 Annuities			
Involving Life or Disability Contingencies (Reserves)											
(Net of Reinsurance Ceded)											
1. Reserve December 31, prior year.....	1,560,453,016		521,675,543	59,882,676	108,431		751,931,902	.226,854,464			
2. Tabular net premiums or considerations.....	1,175,833,177		27,081,970	129,091			1,148,569,363	52,753			
3. Present value of disability claims incurred.....	121,582,997				XXX		121,582,997				
4. Tabular interest.....	69,529,300		24,658,489	3,475,269	10,258		31,841,988	9,543,296			
5. Tabular less actual reserve released.....	15,100		171,470	(156,370)							
6. Increase in reserve on account of change in valuation basis.....	0										
7. Other increases (net).....	0										
8. Totals (Lines 1 to 7).....	2,927,413,590	0	573,587,472	63,330,666	118,689	0	2,053,926,250	.236,450,513			
9. Tabular cost.....	1,260,239,391		25,160,598		XXX		1,235,078,793				
10. Reserves released by death.....	27,589,352		8,559,426	XXX	XXX		19,029,926	XXX			
11. Reserves released by other terminations (net).....	27,171,803		26,360,031	811,772							
12. Annuity, supplementary contract, and disability payments involving life contingencies.....	16,593,512		188,447	2,524,008	13,932		6,643	13,860,482			
13. Net transfers to or (from) Separate Accounts.....	0										
14. Total deductions (Lines 9 to 13).....	1,331,594,058	0	60,268,502	3,335,780	13,932	0	1,254,115,362	13,860,482			
15. Reserve December 31, current year.....	1,595,819,532	0	513,318,970	59,994,886	104,757	0	799,810,888	.222,590,031			